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The

SPEECH
OF
LOUIS J. PAPINEAU, ESQR.
ON THE HUSTINGS,
AT THE OPENING OF THE ELECTION
FOR THE WEST WARD OF THE
CITY OF MONTREAL,
ON THE 11th OF AUGUST, 1827,
And his Reply to Peter McGill, Esqr.

TRANSLATED FROM THE FRENCH.

TO WHICH ARE ADDED

*The Speech of His Excellency the Earl of Dalhousie, Governor
in Chief, &c. &c. to the House of Assembly on Pro-
roguing the Provincial Parliament, 7th March 1827,
and the Address of certain Members to their
Constituents in consequence of
that Speech, &c.*

MONTREAL:

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PREFACE.

MANY Gentlemen having expressed a desire that the translation of Mr. Papineau's Speeches on the Hustings at the late Election should be printed in a form convenient for general circulation, the present edition has consequently been prepared and published.

The country is in a crisis—it is involved in a constitutional struggle of great moment. It is not a measure of detail or the *mode* of applying a principle which is now at issue—the fundamental principle itself of representative government is at stake.

The Executive office holders want to place themselves above controul. They want that the internal administration of this colony should not feel the action of the public will and opinion of the country—to attain this they claim the *discretionary* application of taxes paid by the country under the 14 G. 3. and coming from other sources. They claim the right to give these taxes, if they please, to the Governor and one, two, or three individuals—or to create new places or to add to old salaries—and then to oblige the country to make up by other taxes, what might be left unprovided for by the misapplication of these funds. The country will not submit to this. It insists that, as it pays the whole of its civil government, without calling on the Mother Country for a shilling, it has a right to controul the expenditure of its Government. It insists also that it is the essence of the British Constitution that the administration should not be placed above the controul of the country.

It is essential to good government that the administration should be under controul. The British Government is at a distance and cannot effectually controul the provincial administration and office holders.—The only power capable of controuling them with effect and for the interest of England herself, is the country itself through its Representatives—and the peaceable and orderly mode of exercising this controul is by means of the purse. Lord Dalhousie's administration has resisted this with the greatest rancour. It has rejected Bills

granting supplies—because these Bills asserted the controul of the House—and it has applied the public money *without laws* and against the declared sense of the Representatives. It has been declared that the country should be *punished* by the rejection of all beneficial measures until it was tortured into compliance—menaces have been denounced of *turning out* every holder of an office—even *Judges on the Bench* if they did not support whatever the administration thought right to assert.

The Representative Body met his Lordship's displeasure on the 7th March last when he prorogued it with the Speech which we have printed in the Appendix. A Speech more amazing for its mistatements and grievous aspersions never issued from any Government. It was refuted by certain Members in the answer to their Constituents which we have also printed. This Speech was followed by a deluge of Slander—abusive insult from the Journals of the administration against the Representative Body and the most intelligent and able of its Members—Lord Dalhousie brought into action old Militia Ordonnances *long since repealed*—and assuming the power of these Ordonnances used them to punish men adverse to his conduct and for attending meetings of Landholders and Freeholders to petition the King and Imperial Parliament. Having excited the country to the proper pitch, Lord Dalhousie *dissolved* the House and called the Electors to a new choice.

Then followed menaces—defamations and atrocious and most ruffianly abuse and falsehood against the old Members. These of course were answered—The Constituent Body became well informed. They flocked enthusiastically to the Poll—they returned most of the old Members—where they were obliged to select new—they selected such as bore the same sentiments with the old—they discarded the Attorney General and four other administration Members—four administration Members alone remain—two of which will probably be discarded at the next Election. Such is the rooted dislike throughout the country to the conduct of Lord Dalhousie's administration.

Montreal, November 16, 1827.

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SPEECH

OF

LOUIS J. PAPINEAU, Esqr.

ON THE HUSTINGS,

*At the opening of the Election for the West
Ward of the City of Montreal.*

Gentlemen,

BEFORE I solicit your suffrages, I must repel some charges and refute some calumnies which have been directed against me. I will not answer those numberless anonymous falsehoods which for several months past, have been distributed with such industry and malice; they have not produced on your minds the wished-for effect; you despise them and I despise them. But I will repel certain accusations, one of which, I am informed is made against me individually, by some citizens whom I respect: and the others have been made against the majority of the House of Assembly—vain and unjust aspersions, which have been answered already, not because they had any weight in themselves, but because they carried with them the weight of high authorities.

I have been reproached with having failed in the respect due to my fellow citizens, the Electors of Montreal, who had done me the honor of choosing me one of their Representatives in the last Parliament at a time when I did not offer myself as a Candidate.—I have been considered as having failed in proper courtesy to the public, because I did not acknowledge this proof of their kindness even with the customary address of thanks.

I owe a public explanation; I give it willingly. With the same frankness and willingness I would have given it privately, had it been asked of me. Between the Electors and their Representatives there should always exist that free communication which would prevent misunderstandings.

In 1822, the country was suddenly thrown into dismay by the intelligence that hostile machinations had been on the eve of leading the British Ministry astray; had nearly induced them to perpetrate an act of deep iniquity, by depriving us, without our knowledge and I might say clandestinely, of rights which we had reason to consider inviolable; which we must regard as such or be reduced to think that, depending upon the mercy of our enemies, we are without guarantee for the preservation of any of our political rights. I was not one of the last in concerting with you the measures proper to be taken for preventing the injustice with which we were threatened. Private concerns were to be neglected when such great public interests were to be saved.

The extreme good will of my fellow citizens, the favourable opinion which they entertained of me, induced them to charge me with a commission exceedingly honourable indeed, but, on account of the responsibility attending it, exceedingly arduous and full of anxiety—that of conveying to England and there supporting your almost unanimous remonstrance against that impending invasion of our liberties.

I consented to perform this duty, which, for a man who had never been remote from his country, from his family, from his friends, carried with it very painful sacrifices. After having, in consequence of this, neglected during several months of that year, my private affairs, I departed in the beginning of January, for Europe. On my return, after more than ten months absence, I found the Parliament sitting. It was my duty to be with it, and there I went. Thus, during more than eighteen months, I had given no time to my family interests, to which, nevertheless, I owe some duties also.

A general Election followed in the summer of 1824 when a considerable number of my fellow citizens invited me to offer myself as a candidate. They did it with such urgent entreaties, with such touching marks of confidence reposed in me, that the refusal which I gave them was an act of violence dictated by reason to my feelings; for my feelings were ready to yield—so great, was the esteem and respect I have for them. Having then taken the resolution to retire for a certain time from public life, ought I in two or three days after, and notwithstanding such refusal, to have been so inconsiderate as to return thanks to the Electors and thereby assume the engagement of being assiduous in Parliament? When at a preceding period I had offered myself as a Candidate, I considered that I had contracted the obligation of being present from the beginning to the end of the sessions and I had acted accordingly. But when I was elected without having presented myself, I considered that I was not bound to so close an at-

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tendance. Great public questions always would have drawn me from my private occupation, but lesser interests would have allowed me the liberty of absenting myself from Parliament.

Between the Election and the meeting of Parliament I was able to put my private affairs into some order. Soon after, the virtuous and legal administration of Sir Francis Burton became more and more popular. He had been deceived and drawn into error on a point of little moment in itself, but on which he had deviated from the strict sense of the law, and, with candour and true dignity, he retraced his steps. Power ennobles itself when it knows how to acknowledge an error in order that it may submit to the laws. The public passions excited against the Representatives under the administration of Lord Dalhousie subsided as soon as he absented himself from the country, and the hope of contributing to a little more good under the presidency of the Lieutenant Governor induced me to go to Parliament. There did I again receive the greatest honour which the country can bestow upon one of its children;—the House chose me their Speaker. For any man to fail in that respect which is due to the public, is a most reprehensible impertinence, but in whom would such folly be so inexcusable as in me, who owe all to the public, who am so much indebted to the Electors of Montreal? For near fourteen years I have been their Representative. The first time they conferred on me that honour, they did it of themselves. At a time when I did not present myself, they took me from another county. The honour of being for the first time elected by them as their Representative, was followed by the honour of being the first time elected Speaker. I am then invincibly grateful and attached to them. It is impossible that I could be intentionally deficient in the respect I owe them; and I think that I have not failed in the respect due to them: I hope I have returned thanks in the manner which must please them most, if I have served them honestly and faithfully. Whether I have done so or not it is for them, my legitimate judges, now to decide.

As to those ill grounded aspersions cast upon the late Representatives of the people by a high authority, they have been answered, first by the Representatives of this District and since by the people who have already reelected most of them, thereby upholding the maxim which vile flatterers alone will controvert that all reputations are equally under the protection of the laws; that those laws would be very imperfect and vicious that should vest any one with the power of arraigning before the public innocent men, at the same time reducing these innocent men to silence and stripping them of their legitimate right to vindicate their honour. I know not the man in whom I will acknowledge a right to calumniate me without his being justly liable to be answered by me.

Of myself I have spoken enough and too much; I must now speak of you and of your interests. You are assembled to exercise an important right, that of choosing freely, with the sole view to your own interests, men whom you think the most firmly engaged to uphold them; to exercise a right which for several centuries, until these latter times, seemed to be the distinctive prerogative of British subjects, that of choosing your Legislators in your Representatives. The men of your choice cannot, it is true, be called Legislators in a strict and absolute sense, because they are only such jointly with other authorities, which, in this country more than in any other, include too large a proportion of men, who could never become the objects of your choice; but as those authorities on their part can neither change your laws for the better or for the worse, nor give you new laws without the assent of your *Representatives*, these may, in a restricted sense, be called your Legislators.

Nothing is more certain in our public and constitutional law than the maxim, that governments are constituted only with a view to the commonweal, not principally for the advantage of the public functionaries. This maxim is such a predominant truth, that it is admitted even by despotic governments and by administrations which raise themselves above the laws; but in this case it is only an illusion, a dead letter, a cheat, productive of no real advantage. It becomes useful, but in as much as governments or their administrators have multiplied and frequent relations with the people, not in order to brave public opinion and to sport with it, but to know the wishes and wants of the people, to acquiesce in them and provide for them.

In our government those frequent relations with the mass of the people take place periodically by means of elections, daily by that of petitions, annually through the mediation of the Representatives who are an integral part of the Government, and, at the same time, for the people, an organ and a voice. They ought to be believed when they speak in the name of the people: excepting extraordinary and singular cases when it should be evident that they failed in rendering the true sentiments of their constituents. The nearer the other authorities come to the views and desires of the representative body in our constitutional Government, so much the more exactly do they move in conformity with the laws of their nature, so much the more accurately do they correspond to the end and approach the scope of their institution. On the other hand, in proportion as they are inattentive or opposed to the wishes of a representative body true to their constituents, the more do they swerve from the purposes of their institution. In their eccentric course they then threaten the political world with afflictions and disorders more real than those which our fathers apprehended in the physical world on the ap-

yearance of planets with whose devious course they were unacquainted. History demonstrates that in England, it is from the degree of concord which prevailed between the King and the Representatives that you must judge who have been her good kings, friends to the laws and to the constitution; from their discord that you must judge who have been her tyrannical or incapable Princes, that have desired to raise themselves above the laws.

Could the House of Commons in England receive the laws from its Kings, could it be reprimanded by them with arrogance, it never had become the object of the admiration, of the study of nations, and the model which they endeavour to copy. The Representative system is become the desire of all civilized nations, because it promises to nations a powerful lever to extirpate abuses; because it affords a popular efficacious action which penetrates into all the parts of administration, and influences, in a salutary manner, all its agents, from the Sovereign to the lowest officer, recalling them continually to their destination, which is the peace and the welfare of nations. It seems as if republicanism and absolute monarchy at no distant period will exist for them only in the remembrances of history; that the human race will be divided in two great classes; free men, who will have representatives, and slaves who shall have none, or whose representatives, instead of being the Councillors of executive power which ought to receive their advice with deference, will be mandataries of a degraded people, who would allow those that have been deputed by them, and possess their confidence, to be insulted with impunity by men who are paid on condition only that they shall consult and procure the public welfare.

It is only three years since you freely made choice of Representatives, who, according to the course of the law, ought to have served you during four years, but who have been sent back under the pretext of their not being the true interpreters of your sentiments. You will weigh ill grounded imputations and indisputable facts; you will consider the probability there is, that the Governor and his Council know your interests better, cherish them more dearly, than your own Representatives do.

According to the judgment of the present Governor, the choice of the country for the last Parliament was very bad. Fortunately there is an appeal from his jurisdiction to yours. Fortunately an authority equal to his has told you that your choice was very good. I oppose the judgment of the one Governor by that of the other; because the justice and urbanity with which Sir Francis Burton conducted himself towards your Representatives, prove the consideration and esteem which he had for you, and the consideration and esteem which, in return, we must have for him; while a contrary behaviour

deserves your censure, whatever respect you ought to preserve for the high magistracy exercised by our Governors. I will place the one Governor in contra-distinction to the other in order to calm a little and quiet the small band of men who have places, who desire to have places, who do not think by themselves nor for themselves; who expect before they form their opinion about public men and public measures, the watch-word and the direction of those who give places. You will see that their apparent anger is under orders, is a play of chance; that it must not trouble freemen, and that, probably, under another administration they will profess other sentiments.

At the first opportunity Sir Francis had of meeting Parliament he expressed himself in the following words on the 10th January 1825.

"Although entering for the first time on the administration of the government, I have resided long enough in the Province to become personally acquainted with most of you, and it affords me the highest gratification to declare that I have not in any part of the King's dominions, remarked a firmer attachment to His Majesty's person and Government than I have observed in you individually; I have therefore the best ground to rely upon your collective exertions. I trust, gentlemen, that you will cordially unite for the purpose of doing away any difficulties which may heretofore have arisen, and for preventing by an amicable arrangement of the financial concerns of this Province, the recurrence of such difficulties in future."

Here you have the open and cordial expressions of a man endowed with a sound judgment and good heart, the faithful servant of his King and the sincere friend of this Province. The proceedings of the session, the daily and intimate relations which he had with your Representatives, altered not the opinions he had thus expressed. He discharged the representatives with the following observations:

"You are about to return to your respective residences in various parts of the Province, and to mingle with the general mass of your fellow subjects, whose loyalty and good conduct, your example will serve to encourage, whose approbation and esteem you highly deserve, and will, I hope, universally obtain."

The end of the Session was as happy and satisfactory as its opening. With or without the advice of the council, praises were not, as usual, dealt out to the Councillors exclusively, and censures to the House of Assembly.

You see at the present moment Legislative and Executive Councillors—labouring under an extraordinary and new courtesy for the Electors, venting an extreme rudeness of old standing against the Representatives, very busy, running about, agitating, strutting, stirring and torturing both themselves, and your

selves, in order to decide your choice according to their wishes. Those gentlemen know of the English Constitution—only the smallest portion, and the least applicable to the state of the country. They invoke that part which relates to the splendour and to the privileges of Royalty and Aristocracy, though our sovereign and his nobles are little inclined to settle amongst us; but know nothing of the enactments upholding the privileges of the nation, although there is a people settled on these lands, a people which sees a great deal less of real distance grounded on reason, between the administrators and themselves, than there exists in England between the administrators of the government and the people. Well then, in England, the House of Commons having declared that the interference of the Lords in elections is contrary to principle, the people are so tenacious of their rights and careful of their Representatives, that they would resent the intrusion of the Lord, who should take an active and open part in the Elections; although he might indirectly do it by his friends, not being of his caste. Here the impulsion given by our great personages has been followed by the retinue of great and little, high and low officers whom they draw after them and keep in their chains. All those men so well brought up to passive obedience, would be under quite another discipline, if Sir Francis Burton had at this moment the direction of affairs. They would be as warm in their praises as they are now unjust in their aspersions, and in either case when they thus act out of their proper sphere, they must be without weight and without influence.

This proposition I advance and no man who has attended to the public affairs with any care will deny it, namely, that in no other part of the British empire is it so necessary and essential as in this Province, to find great independence and energy in the Representative Body, because in that body alone can be found a counterpoise to the excesses of power concentrated in a small number of persons having for the most part no link of permanent interests with the country. When the same persons unite the legislative, executive and judiciary powers in themselves, the abuses which they shall have committed in one of those capacities, they are endowed with sufficient means to uphold in the other; and from abuses to abuses the laws would soon be powerless, unless there be an unceasing and fearless watch over them on the part of your Representatives.

I will soon prove that, in fact, they alone have shown themselves attentive to your desires and your requests; always supporting them and always witnessing their rejection elsewhere.—Before, however, coming to the parliamentary history of the late years, on different objects of public utility, which the assembly has endeavoured to promote but in vain, (so heavy is the counterpoise opposed to them, not to say, the weight which oppresses

them) I must discuss at some length the pretensions of the governor as to the new appropriations which it is said, ought not to be made for a less period than the King's life; the right claimed by the Executive of disposing, at discretion, of a portion, annually variable, of the public revenue; and the just resistance which has been opposed to those claims. First:—from the acknowledgment of the Governor, that portion of the revenue is not sufficient to pay the objects for which it is destined. Here the house stands and says, (and what it says is unanswerable:) "We are asked for a supplementary aid which we are disposed to grant, if we may be secure of its faithful application to useful objects, but which we are determined to refuse if you do not agree to these terms.—If you take it to be a principle, and in fact if you persist in the abuse, that you may pay sinecures and offices to which the Assembly would not be disposed to attach salaries if you demanded a grant for them; you may constrain the House to enlarge the supplementary gift which it is willing to grant for such expenses as seem to it reasonable, by the amount of these expenditures which appear to it unreasonable. The Representatives must not, cannot degrade themselves by becoming accomplices of such an expenditure of monies as they consider to be an act of dilapidation on the properties of their constituents. They give the supplementary aid asked for, only on the condition which they are at liberty to attach to their gift, namely, that you shall not have the discretionary distribution of any portion of the revenue; but that the whole shall be distributed discreetly and under the authority of the whole Legislature. In this manner, the Executive will preserve untouched its right of naming whomsoever it pleases to offices; and the Assembly will preserve, independently of the Executive, their right of not contributing to what they should consider as extravagant waste and profusion; which would increase, without any possibility of remedying it, if the Anti-constitutional and abhorred maxim of discretionary distribution of the public monies and of discretionary powers of any kind, were sanctioned."

You have heard during these latter times the professed partisans of the Administration, irascible adversaries of the Assembly, blindly appealing to the practice of Great Britain in relation to the *Civil List*, as the only one which was reasonable, constitutional, from which your Representatives could not swerve without guilt and to which they ought to return, with respect to the *Civil List* of this Province. At this very term, *Civil List*, do I stop them, and say, that the use and choice they make of it, prove either great ignorance, or voluntary bad faith, which, for the sake of subtleties and cavils, necessary to a bad cause, makes use, by preference, of improper expressions with the view of altering the true state of the question. I see myself surrounded with men

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learned in the law some of whom are in the employment of the Crown, and with other public functionaries, by trade or conviction, the constrained defenders of every measure of the administration, and who at least by the warmth, if not by the soundness of their arguments, you would believe sincere in the support they give it. I dare them to stake their reputation of men learned in the law, or of men having pretensions to some historical knowledge in the nature of English Colonial Governments, either past or present, by saying that, with the exception of this single one, there has ever been a Colony whose administration has, with any chance of success, asked of its local Legislature the payment of a *Civil List* and an appropriation for the Civil List during the King's life. This word has a legal and certain sense only in England, but not in its Colonies; it has a legal and definite sense only with regard to the royal person, to the splendour and dignity with which the English nation has been pleased to surround him in the midst of his Peers, the Kings of the earth; and to his officers who hold directly from him their commissions and are qualified to approach his person, to make a part, if we may say so, of his own family, or at least of his household. The constitution has willed that each sovereign should have the plenitude of power that the law attaches to the magistracy which he is to exercise. It supposes, in consequence, that at the beginning of his reign he chooses those who will be personally devoted to him all the time it shall last, and it attaches them to him by certain salaries for all the time of their engagement. In all this there is, it is true, a great deal of the subtleties so frequent in English laws, nevertheless they are certain fixed rules, without any inconvenience to England, but which, to this day, have never been introduced into its colonies; have never had any application, nor can have any rational application therein. In England, besides, the establishment of the Civil List is a recent change in the ancient constitution. It is the result of a commutative contract by which the nation has greatly benefited, it is the price of the patrimonial lands and of the hereditary revenues which the King has abandoned to it. It is, however, regarded as a gift of the nation which might modify it otherwise than it does. It is not so much above the control of Parliament but that after having granted it in the usual form, it afterwards modified it under William III. and George III. The Parliament leaves no discretionary power with the King in the employment he makes of it.—With the exception of the fixed part which is given for his personal expenses, the surplus is applied to foreseen, certain and definite services; the employment of it cannot be changed from year to year, as, within seven years, we have seen done in our country, where the List of expenses brought against the appropriated revenue, was made to vary from twenty to more than

forty thousand pounds; evincing how far the pretension to the discretionary distribution of a part of the revenue, must lead to disorder and to perpetual contradictions. It is not a constitutional principle for the Colonies, that their public functionaries should have their salaries granted for the King's life. If it were so, the Parliament of Great Britain violates it every year, and all the Colonial Legislatures, without exception, violate it every year. Do we not *yearly* read of the call for the salaries of most of their civil officers, which the Ministers make to the Commons, of appropriations varying from ten to twenty thousand pounds for each of the Governments over which our Governor nominally presides? Do we not hear of the opposition of Mr. Hume or of some others, who harrass the Ministry, requiring the reduction or the discontinuance of those expenses?

Are there no debates, and has it ever come into the head of the most extravagant ministerial member to say, that the condition of those poor place men was too precarious and that their salaries ought not to be subjected yearly, to the chance of years or days? In all the colonies, (and our condition is analogous to theirs, not to that of the independent state to which we are subject,) the rule is to pay the public officers *annually*, (save a few exceptions) but none of them present the absurdity of paying them during the King's life. What connexion can we find between the length of the King's life and the duration, in the colonies, of the salaries of the public servants, who are not appointed personally by the King, who do not know him, who will never be known to him, and who never will have any relation with him? There might be some plausibility in asking that their salaries should be permanent during the administration of each Governor, but that principle would be too dangerous not to be immediately rejected. The more abuses a governor would commit in favour of his creatures chosen by him, the more would they be interested in having his administration prolonged, however odious it had become to the people, for whom it is so difficult to obtain justice when the remedy is so far distant. But after all, such pretension would be more plausible than that which they here maintain. It has some analogy with what has been adopted in some of the West India Islands where the Assemblies, who might have refused it, have consented to grant to their governors when they come to take the command, a salary which they will not alter during the time they preserve their offices. But in such colonies they have secured to the representative body its influence, by the annual salaries which they vote for the other functionaries, and by the annual pay which they vote for the troops. In all of them as in England, it is a very small proportion of their revenue, which they have granted either permanently to some of the judges, while others are paid annually; or to the governors for the time

of their administration. This arrangement does not flow from positive constitutional principles, but from expediency; for there are not two constitutional principles contradicting one another; the one allowing annual grants for some officers, and the other forbidding them for some other officers. The whole must be the result of considerations of expediency.

The statute of 1825 by virtue of which the civil expenses of the civil government for that year have been legally paid, is a law as well as our constitutional act or as any other imperial or provincial statute. It is then a great indecency to hear at every moment, as we do, public officers, (who, to please the present administration, abuse that law,) exclaiming that the assembly acts unconstitutionally, when it proposes a law similar in its principle to that statute, although the new law might differ from it as to the amount, either more or less. More would be perhaps admissible! but less would seem much more criminal to those gentlemen. Rational men may examine the conveniences or inconveniences which belonged to the offers of the House, but whoever asserts that those offers grounded as they are on an existing and a similar practice, so ancient and so frequent, are not constitutional, knows not what he says. It is only under the present Governor that flatterers have said so; his two predecessors said otherwise.

In 1810 the House of Assembly seeing that in the space of eighteen years, the expenses had been illegally raised *without their consent, from twenty thousand to forty thousand pounds*, did with a view of putting an end to so dangerous a system, offer to pay, not its Civil List; (the administration of those days certainly would have protested against the improper use of those words, as it quarrelled about the words by which the Imperial Parliament was incorrectly designated,) but offered to pay *the necessary expenses of its Civil Government*; correct and wise expressions, which preserved its controul over the amount of salaries to be granted, according to the nature of the duties to be performed. *The necessary expenses and nothing more*, that is what it promised.

From 1810 to 1818 the expenses were illegally raised *without the consent of the House*, to more than sixty thousand pounds.—War and the then value of money were the pretenses: the motive was, that sooner or later, the offer of the Assembly would be accepted, and that, with the obligation of providing for the total of the expenditure, it would be necessary that they should have the total of the revenue, and that it would not be easy to raise the salaries above the rate at which they would have found them fixed.

In 1818 Sir John Sherbrooke, who, of all the Governors whom we have had for twenty years, was the one of the greatest ability, of the most correct notions of the nature of our mixed government, of the extent of popular privileges; who was an enlighten-

ed man belonging to a whig family; who did not stick to his office for the sake of money; who carried into the Civil Government as much circumspection, from fear of injuring in their rights any body of men, or any individual, as he had borne an almost absolute firmness in his military command; who must have had instructions conformable to the first impressions which the English Ministry entertained, before they were deceived by the sophisms of our colonial administration; Sir John Sherbrooke, being such a man, asked only for an annual appropriation. There is not here present a man who can say, that at that epoch there was a single person in the country who ventured to conceive or at least promulgate, the extravagant idea of an appropriation for the King's life.

On the seventh January 1818, addressing the Assembly he said: "I have received the command of His Royal Highness the Prince Regent, to call upon the Provincial Legislature to vote the sums necessary for the ordinary annual expenditure of the Province — These commands will, I am persuaded, receive from you that weighty consideration, which their importance deserves."

And later in the session: "The Governor in Chief has directed to be laid before the House of Assembly estimates of the ordinary permanent expenses of the Civil Government of Lower Canada, and of the Revenue applicable to the discharge thereof for the year 1818, and from these it appears that the further sum of 40,263 pounds, eight shillings, and nine pence, will be necessary to meet the current expenditure of the year." A severe and sudden sickness, which deprived us of the services of that excellent man, overtook him in the midst of the session, paralyzed the labours of Parliament, and the accounts and estimates of the expenses were brought so late and at a period when sickness deprived the Governor of being able readily to receive the messages of the House and to give them the necessary informations, that under the impossibility of passing a bill of appropriation for that year, the Assembly voted by address all the sum asked for, reserving for the next year a more detailed examination into that subject.

Next year the Duke of Richmond asked again for an annual appropriation. The Bill was passed in that form by the House of Assembly; the opposition of the Council was at that time confined to distinctions of votes in gross, or in detail; in globo, or by chapters, or by items. There are in the practice of different colonies examples of the last mentioned modes of voting supplies, there is no example of voting supplies in gross or in globo; but our administration is so numerous, so richly paid, contains so small a proportion of persons born in the province, which has less correspondence than any other province with people of influence in England to obtain attention to complaints

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and requests, that it, our administration, has too often had the mean-
to grasp at more power than the administration of any other
colony. The expressions of the Duke of Richmond, which prove
that he asked only for an annual grant and by no means for a
permanent grant, nor for a grant during the King's life, are the
following:—

"The Governor in Chief has directed to be laid before the House
of Assembly Estimates of the regular and contingent expenses of
the Province of Lower Canada *for the year commencing the first
November 1818, and ending the thirty first October 1819, inclusive*
in full confidence that the House will provide, by sufficient ap-
propriations for the same.

"The amount of these estimates may be considered as the sum
which will be annually necessary for the support of the Civil
List; *subject, nevertheless, from time to time, to such diminution or
augmentation, as the circumstances of the times may require; and
the wisdom of the Legislature judge expedient*; and the Governor
in Chief has no doubt but that the House will always be disposed
to make a due and respectable provision for the support of all the
branches of His Majesty's Government, in order that the services
of such persons as are best suited to discharge the respective Du-
ties required, may be obtained."

It is impossible to have a more direct censure of the preten-
sions of the present administration or a more clear admission of
the claims of the Assembly. Its right to a free, annual, variable
grant is acknowledged, as well as its control over the whole
revenue; and the subtleties and cavils which latterly brought to
light the distinction between the local and permanent establish-
ments are, beforehand, denied and condemned. In that same
year was passed the bill to make good the payment of the monies
issued in the preceding year for the support of the Civil Gov-
ernment on the address of the House of Assembly alone. Agreed
to by the Council, sanctioned by the Governor, it is law and
proves that an annual appropriation for the salaries of the public
servants is not unconstitutional. In the Council one member
alone protested against the passing of the Bill, not alleging that
the salaries of public functionaries ought to be secured and voted
during the King's life, (doubtless he spurns that opinion,) but
grounding his protest on the weighty and fair consideration that
one of the three co-ordinate branches of the Legislature had
not been asked to concur in the vote of those monies. Necessity
alone, a cause unforeseen and urgent, the sudden sickness of the
Governor, justified that departure from principle, most dange-
rously followed without any plea or reason to excuse it, by one
only of the three powers (and that one not the House of Assem-
bly) during six of the seven years of the present administration.

B.

Then came on that odd year of whimsical administration, when Mr. Monk having called the Parliament for the Dispatch of Business, dissolved it before the day he had fixed for its meeting; and when Sir Perigrine Maitland convened the new one before the Elections were closed, when consequently there was no Parliament. These delays have been injurious to the country.

On the arrival of the Earl of Dalhousie, his council had come to a new, violent and unprecedented determination. He has made common cause with them, their faults have become his, and the late dissolution of Parliament and your meeting here to day, are the lightest of the evils which ever since have not ceased to harass the country.

I know it is the undoubted prerogative of the Governor to dissolve Parliament when he thinks fit.

But the law supposes that in his exercise of this power he shall always be governed by reason and justice, not by passion. It is with this prerogative, as with the one which leaves him the appointment to public offices under expectation that he shall make good choices; as with all others bestowed for the general utility, and which will bring on him deserved censure or praise, according to the improper use he makes of them. Without yet passing judgment on the last dissolution, the folly or wisdom of which will be tried by the result of the general election, one cannot dissemble that this Province is the only one in which that violent remedy has been so often resorted to on such frivolous occasions. Against the intended purpose of those who have so blundered, it always has produced the happiest result in advancing the political education of the country. The opportunity offered to call the attention of numerous assemblages of the people to their dearest interests, produces in a country where reading is not yet so general as is desirable, the same good that soon will be effected by periodical publications. On the other hand the waste of time so hurtful to a new country, the greater degree of excitement attending forced elections brought on before the usual term, are such a serious grievance, that the friends of the country always will discountenance these repeated dissolutions. The unanimous cry heard in the Province from county to county, from end to end, "the same, the same," with regard to the former Representatives, when they have not failed in their duty, is most reasonable; policy and gratitude urge and inspire it. On such occasions Representatives who feel blameless, are, on their part, bound in honor to step forward and offer their services, however inclined to withdraw from public life, if better times allowed it. After all, it is plain that our administration is much more formidable to the people's rights, that it has much less regard for them, is much more diffident of them and of their Representatives than any other, since it has so frequently resorted

to that measure quite unusual or of very rare recurrence in our sister colonies; to that measure first devised, without any furtherance of their hopes and plans, by the advisers of Sir James Craig, and since copied with no better chance of success.

The Earl of Dalhousie first laid claim in the session 1820—21 to a permanent appropriation in the following words—"I shall also lay before you accounts of the expenses annually incurred in payment of the salaries and contingencies of the Civil Offices permanently established for the service and support of His Majesty's Government in this Province including such occasional payments as are unavoidable under it (charge forty-five thousand pounds.) To that I shall add a statement of the annual product of the permanent taxes and hereditary territorial revenue of the crown." (Revenue twenty-three thousand pounds.)

"From those documents, formed upon an average of the last six years, you will perceive that the annual permanent revenue is not equal to the amount of the annual permanent charge upon the *Provincial Civil List* by a deficiency of twenty two thousand pounds; and I have it in command from His Majesty to say, that His Majesty having, from past experience, the fullest confidence in your loyalty, sense of duty, and attachment to the principles of the Constitution, does not doubt, that you will make a proper and permanent provision to supply that deficiency, and thereby enable him to sustain the Civil Government of this Province with honour and with advantage to his subjects."

This year, might be seen amongst a few, more violent animosity than ever against the house, as if it were guilty of some very new and very great excess. The first instant that permanent aid was asked, it was repelled.

Three successive Parliaments which have since met, have found in the Representatives uniformly, the same determination, that of exercising an annual and efficient controul over the whole of the expenditure. During the same period the administration has incessantly varied its demands, altered its plans. It soon called for appropriations during the King's life; after which it discovered the distinction of the permanent establishment, well ed or contracted in various shapes every year to the present inclusive, by casting out or admitting into the list now one and next another department; and, at last, it put forth and asserted the claim to the *discretionary* use of a large portion of the public income which cuts deeper, more or less, into the appropriated revenue according to the new determination of each of the Governors. When first a permanent appropriation and afterwards one during the King's life were asked from the Assembly, its controul over the whole of the revenue must have been admitted, otherwise it would have been trifling with the public and de-

ceiving the House to have stated that the necessary supplementary aid was only 22,000 pounds, if the appropriated revenue could be used at discretion. That amount of £22,000 could be stated only by admission that the branches of revenue producing £23,000 were to be distributed in a certain unalterable manner, otherwise it would have been an illusion to reckon on the certain and correct distribution of the supplementary aid. And since that time it has been proclaimed that this sum of £23,000 may be used at the discretion of his Majesty's government, a pretension which has nothing for support but a baseless fabric raised in the air; for the appropriated revenue is in amount uncertain; it varies from year to year; it may produce much more or much less than the £23,000. Hence must the amount of the necessary supplement be uncertain and variable from year to year; and it will be the more uncertain since those who have started certain principles applying to local establishments and differing from those which they apply to permanent establishments, do not themselves understand what they mean; so arbitrary and different have their classification been every year. The first proposition of the present Governor to the Assembly opened a breach between them, which daily widens more and more. In 1820 in answer to the speech opening the session, the house made him acquainted with its fixed determination in the following words:

"We should however hold ourselves to be wanting in that sincerity which is due to the frankness of your Excellency's character, in that duty and respect which we owe to our sovereign by whose commands your Excellency has submitted the proposal of an additional and permanent appropriation which, with that already made, would exceed half the usual amount of the whole provincial revenue, were we not, even in this early stage of the proceedings, most humbly to represent, *that the declared sense of our Constituents, the duty which we owe to our posterity and to that Constitution of Government which the wisdom and beneficence of the mother country has conferred upon this Province, together with the variable and uncertain future amount of that revenue, which, as well as our resources, depends on a trade at this moment peculiarly uncertain, will prevent us from making any other than an annual appropriation for the general expenditure of the Province*, conformably to the recommendation of his Majesty's government as signified to the Parliament of this province by His Excellency Sir John Coape Sherbrooke late Governor in Chief, in his speech delivered from the throne at the opening of the Session on the 7th January 1818."

"We pray that your Excellency will accept our humble assurance of the unalterable disposition of this House to vote annually in a constitutional manner, according to that recommendation, and to the solemn offer of the Assembly in the year 1810 all the

necessary expenses of His Majesty's Civil Government in this Colony, in the honorable and permanent support of which none are more deeply and sincerely interested than his Majesty's loyal subjects whom we have the honor to represent, or more anxious to merit the continuance of the confidence which his Majesty is graciously pleased to express of our loyalty and duty."

In that year the Assembly passed an annual appropriation bill; it had voted separately each item of the expenditure, and several of the members wished that the bill might be framed in the same detail. Some of the members connected with, and receiving their instructions from the administration, gave out that if, instead of specifying items, the bill distributed the appropriation by chapters, it might be agreeable and an end put to the difficulties. The House which has sought peace and harmony with as much fervour, as artful and designing men have been earnest in preventing them, considering that this was not giving up, but applying in a new shape the principle for which it contended, of having the controul over the whole expenditure; confiding at that time in the discretion of the Executive which had not yet run into the extremes into which it has since fallen—by refusing to pay monies voted by the House on its call, and paying at same time monies which the House had refused to vote—passed the Bill by chapters but for one year only; through the persuasion of members having the ear of the Governor, and who gave it to be understood that this sacrifice was a certain means of accommodation. It may be that the Governor believed and expected so. He knew not yet the men who unfortunately have always had a greater sway in the administration of the Colony than most of the Governors themselves: he who knows not how to act without their advice inevitably falls into dependency on them. That bill passed by chapters, and for one year only, supported by several independent members, was at the same time supported by all the members leaning to the administration (Messrs. Taschereau, Ogden, Davidson, Garden, R. Jones, Oldham, J. Jones, &c.) At that time though a permanent appropriation had been asked, they did not yet imagine that that mode was an unbending constitutional principle, or those royal instructions so absolute that a departure from them by an annual grant would be as dangerous as it is given out to be now a days.

It was in the same Session that, in the council, were published in broad day the doctrines, the anxieties, the hopes and wishes hitherto shut up in the hearts or avowed only in the secret and mysterious conventicles of our place holders. They decreed that forever, or at least till a futurity so distant that the strongest heads among them could not foresee its arrival (yet, by the bye, we have seen it within three years next after their decree)—
"The Legislative Council will not proceed upon any bill of

appropriation for the Civil List, which shall contain specifications therein by chapter or items, nor unless the same shall be granted during the life of his Majesty the King."

In 1822 the aid was asked to be granted during the King's life and no grant at all was offered, because in that year as, in the present one, the Governor began to require the Legislature to provide for part of the expenditure only, and called but for a supplement much larger than the one required in the present year. It was refused, but the refusal did not then bring on a dissolution of Parliament. It did not then rouse up against the Representatives the public functionaries with such violence as we now see them exhibit; they really have become more and more irascible, but they are doubtless now saturated and have absorbed—their full of wrath—they can absorb no more.

Thanks to the active efforts of a true and sincere friend of this country, Sir Francis Burton, the Session of 1825, saw harmony restored between the several branches of the Legislature. Was it not then a subject of general congratulation? Those who now with fury denounce your Representatives, were they not as forward to congratulate you on that event, as they are now violent in upbraiding you? Those unfortunate dissensions being settled all the energy of the Legislature would in future be directed to the improvement of the Country: such were the fervent hopes and wishes nearest the hearts of your Representatives. A Bill of appropriation for that year was passed almost unanimously, two members of the Council only dissenting—The Chief Justice voting for it, though before seeing it, he said he would oppose it, and the Attorney General, after consultation, approving it.

But, against this act, is alleged the existence of contrary instructions then unknown, which ought not and would not have been unknown, had they been left in the place of deposit, where it was necessary that they should remain. Strange instructions which in the opinion of those who secret them, ought to influence the proceedings of the House to whom their communication is denied! Strange instructions, otherwise understood by the Minister who gives them, than by those who are directed to carry them into execution! The statute of 1825 is not censured on the ground that it contains an annual appropriation, but under the erroneous impression given in England, that it did not acknowledge the existence or integrity of a revenue which is collected without difficulty, and the appropriation of which is denied altho', when insufficient for all the objects of appropriation, it cannot be distributed without the additional aid and concurrence of the Legislature. The Minister allows the sanction given to the bill nor does he oppose it because its appropriation is only for one year, and yet we are told in the Colony, that no other appropriation is constitutional save what is granted during the

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King's life. This is not sound doctrine, it is impossible that the ministers should have said so, or that they will not recant when informed.

At the time that they first gave instructions on this subject for Lower Canada, they gave instructions for Upper Canada. If they are contradictory for the two Provinces,—just, kind, consonant to principles for our Sister Colony; unjust, unkind, contrary to principles as to this province, will you order your Representatives blindly to submit, or constitutionally to resist? What has been the practice of Upper Canada, these last ten years? A number of their officers including the Governor, Judges, Crown officers &c. paid by England, are so paid by the *annual votes* of the House of Commons forming the ground work of *annual* imperial statutes of appropriation. A supplementary aid has been asked from that Legislature *annually*, its House of Assembly is called on to make this grant which has been *annually* accepted. In 1817 it passed an act which I will read, which sanctions the principles we invoke, which ought to reduce to silence the rebukes against our Assembly, of any man who lays claim to the merit of being a man of sense and a friend to this country. In that Province as in this, there is a permanent, unconditional appropriation for the support of the Civil Government. Have they been accused of attempting to destroy that appropriation, when in consequence of the additional aid they grant, they have in fact assured an efficacious control over the *whole expenditure*? In 1817 having received the statement of the manner in which their gifts were distributed which in like manner with ours are given in aid of the administration of justice and the support of the Civil Government, they declare their insufficiency, that the sums necessary amount to £10281 stg. that £2005 of the revenue of the Crown are applicable for those objects, that out of the unappropriated monies levied for the uses of the Province, a further sum of £9201 shall be applied towards defraying, for the present year, the following charges &c. The distribution absorbs the two thousand pounds of appropriated crown revenue, and the statute terminates by the following clause. "That an account, with vouchers of *all* monies paid, be submitted to the inspection of Parliament at its next session, and that so much of the said sum so appropriated, as may remain unexpended during the current year, shall be subject to the future disposition of Parliament."

This practice continued for the last ten years, is conformable to the principles we appeal to. Some of the public servants are paid by the *annual votes* of the House of Commons, others by the *annual votes* of Upper Canada, none have their salaries fixed for the King's life. Ought not this fact to shut out any further discussion? I therefore may stand to this; though I might call

your attention to the extreme folly of granting for a long period appropriations out of funds which may suddenly be much reduced without our participation.

I have but a word to add. The offer of this Province to pay all the necessary expences of the Civil Government, is a liberal offer made by this Colony one of all the English Continental American Colonies. This colony proved its liberality even so far, as to agree to retard the full and speedy developement of its trade, its clearings, its industry of all kind, its internal improvements, so pressing in a new country, by taking herself the payment in full of the salaries, a large proportion of which England pays in the neighbouring colonies. That offer ought every year to call from our Governors, Judges, Councillors, the expression of their gratitude to the Assembly, who pays them much higher salaries than they are paid in the adjacent Provinces; that offer is one which was made to an administration, ungrateful, dissident of the honour of a people so anxious to keep their word, as to do much more than was necessary to redeem their pledge. Had the Legislature insisted on reducing the expenditure to what it was in 1810, still it had done enough to discharge its promises. Had it disallowed all increase of expenditure, ordered in the interval without its leave; on the peace, had it discontinued the increase of pay made during the war; had it refused to continue those pensions formerly admitted by the government to be a just charge against the *Empire*, not against *this Province*, still it would be free from blame. It has been and must continue to be unbending against the giving up of principles. It must not keep up, and for ever feed sinecures, but as to salaries too high in their amount which it has found thus granted, it thought, that it might expect from time and opportunities the gradual reductions which the country shall require. As a return for its sacrifices, the Province does not seek the purchase of particular privileges, all she asks is not to be worse treated than Upper Canada is, to have over the revenue raised on her, an effectual controut without which indeed, she has not a free but a despotic Constitution. For whoever aspires to the discretionary distribution of a large portion of the public revenue, aspires by a direct and necessary consequence to the discretionary power of taxing the people, or else he understands not himself and argues not consequently.

These are my sentiments, which I felt bound to make known to my fellow citizens before I dared to solicit their suffrages: these are my principles on the Finance Question, the first and main part in the conduct of your Representatives on which you have to decide before you re-elect them. I believe that those who uphold the opposite claims of the administration have no

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right to your confidence, so as to become your Representatives. Judge and determine.

But you have a right to a more close and full investigation into the conduct of those whom you have sent to Parliament. I have already taken up so much of your time, that I must pass lightly, not to trespass on your kind attention, over the other matters which, during the last three years, were discussed. You shall see in the House of Assembly, a large majority of Members of French descent, with true honest English feeling. A rational love of freedom regulated by law; deference to public opinion; eagerness to promote your interests and forward your requests when you have made them known by petitions; and stern resistance to arbitrary power aspiring to rise above the laws. Else, where shall you see, a majority of Britons by birth or by descent, the constant condescending saviours on power, when it trampled upon the laws; and throwing aside numerous Bills which you desired & asked for during many years past, & which were rendered abortive by means of all other parties—except your Representatives.

I will preface these observations but by one remark, which is that there is such a close and intimate connexion between the Members of one of the branches of the Legislature and the Executive, that they are only different names of the same authority. That from the one year to the other, they have been seen to will or not to will one and the same thing, at the nod of the head of the administration, who hence must bear a great share of responsibility, of applause or blame in the public estimation, according to the manner in which he drives, or according to the conduct of those who are in his immediate dependance, for the preservation of the many lucrative offices they fill.

You have lately read the list of Bills prepared and passed in the House of Assembly, most of them stopt in the Council, or by the prorogation of Parliament on the refusal made this year by the House to grant an additional aid of £12,000, while in former years the amount of the aid demanded had been above thirty thousand pounds. The difference is not owing to the determination of the Executive to lessen the expences, but because formerly it had scruples, as to the amount of twenty thousand Pounds a year, more than it has at present, about preying on the public revenue. Most of those useful Bills, thus denied to you, have been repeatedly adopted by large majorities in the House every year during the last Parliament; nay some of the most useful and popular measures have been adopted ten, fifteen and even twenty years since. Let us glance at some of them.

For instance, can any proposition be more reasonable than to have a resident Provincial Agent near the seat of His Majesty's Government, to make it acquainted with the true state of the

Province. It receives the secret advices, and in many instances the incorrect information of those who, while they accuse us, contrive to have us judged and condemned without a hearing. Thus was it, that Mr. Wilmot Horton, could state in Parliament that he had by him the most satisfactory documents, which enabled him to declare that the Bill for the Union of the Legislatures of the two Canadas, would be most acceptable to the majority of their inhabitants. Such are the misinformations gotten from those who from this Province are heard and trusted, only because in secret they speak in your name, put in your mouths, what is not in your minds. This just demand was first made in 1807. It has since been renewed at least ten times, and when something besides a silent refusal has come from the Council, its refusal has come grounded on the observation that the Governors were the constitutional channel of communication with his Majesty's Government. That is no answer. For though they be one of the constitutional channels of communication, they are not the only one that ought to exist. It is because in fact they hitherto have been that *only* channel, that so many of our just claims and petitions, sent with commentaries inimical to the text, remain unanswered. It is because most of our complaints having a necessary reference to abuses arising from the acts or pretensions of public functionaries, chosen by the Governors, and the advisers of Governors, that they are dismissed without a sufficient knowledge of the nature of the case. At the same time that we asked for an Agent we did not, like those who deny us one, mean to plead our own cause *ex parte*. The House told the Council to make "choice for their Agent of whom they pleased: that it might enjoy for itself the same privilege which the House claims for the country, to send their memoirs to their Agent. Those who fear nothing from the publication of the truth, wish it to be fully known. We feel confident of the justice of the English Government, go and show yourselves in the best light you can before it, but grant us the same power." That measure which can only draw closer the ties between the mother country and the colony can not be much longer delayed and daily becomes more urgent. At last the Provincial Administration must yield to the public discontent, but it will do it so late, with so much reluctance and with such a bad grace, that, in this instance as in some others, it will not gain credit, or deserve gratitude, even for acts of justice.

A law to encrease the number of *Representatives* is one of the first debts which the Legislature ought to pay to the country.— The population has nearly tripled since 1792. At that time fifteen Representatives only were allowed to Upper Canada, who now has forty seven. At the next general Election it will probably be entitled to have fifty with little more than a fourth of

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our population. Its first counties have been divided and subdivided; why is it that we are denied the same advantage? Why is it that men in power, when they are not just towards us, should expect that we should be extravagantly prodigal in their favour? We call for equal laws and the same rule towards all our fellow citizens. Let the men of the frontiers and of the townships be rated *at the same*, but at *no greater value than ourselves*. The Representative Body ought to be increased. Though the value of landed property is much lower in the new settlements, than it is in the lands more improved, more fertile, better situated with regard to the St. Lawrence, yet as the most valuable property of a country is the number of its inhabitants, let the amount of the population be the standard by which to regulate and apportion the representation. This has been the fair rule adopted by the House in its unavailing efforts during the two last Parliaments to increase the representation of this Province.

One of the greatest evils under which the country labours results from the bad constitution of our *Courts of Justice*, from the enormous expenses and delays attending the hearing and decision of causes. They were thus constituted thirty years ago. A first step towards their improvement has been proposed several years since. Granting effectual circuits, at least in the outset, for cases tried in the inferior term, would materially tend to lessen the expences. The introduction amongst our farmers of the Jury Trial to which Englishmen at home are enthusiastically partial, would be one of the wisest steps we could take towards advancing our political education, and perfecting our moral education, which last is as good as that of any other people. The English feelings of the House of Assembly have induced it to offer this valuable boon to the Province,—which, nevertheless, enjoys it not.

Natural equity, pity for misfortune and poverty, all the common feelings of humanity require that the prisoner arraigned, who till after conviction is to be presumed guiltless, should be allowed in cases where his life is in jeopardy, the *benefit of Counsel* to bring to his help the means and resources which the laws had before hand prepared for his security. A law subtlety which will have the Judge to be the prisoner's counsel, deprives him of his necessary means of protection. The most zealous and able Advocate instantly called to the defense of an innocent man entangled by mere presumptions of guilt, and many false witnesses, could not always save his client. In such instances it could be only from personal interviews with this prisoner, that he would have gathered that strong persuasion of his innocence; have detected the clue to unravel a mystery of iniquity, which will inspire him with that ardour and induce him to those sacrifices that alone shall enable him to rescue society from the danger, from

the irremediable evil of taking away the life of an innocent man. That humane law offered by the House, has not been adopted.

Under the sanction of a provincial law, *Protestant dissenters* were more than thirty years since in the enjoyment of a civil right conducive to the well being of their families—the keeping by their own ministers, of registers of baptism, marriage and burial. The inferior Courts had interpreted the law in their favour. The court of Appeal a *constitutive portion of the Executive power*, suddenly deprived them of this advantage which they had so long enjoyed. The word Protestant was restricted in its meaning, as applying exclusively to those of the Protestant established churches; was taken in a narrow sense, as if an interpretation had been required of a statute applicable to England or Scotland, and to their ecclesiastical establishments, where the national churches have local exclusive privileges, which they do not carry with them beyond the limits of the two kingdoms.—Could such an interpretation prevail, let the dissenters remember, that by the Constitutional not the protestants may be held, whenever the king may require it, to pay tithes for the support of a Protestant clergy. Alone among their fellow subjects, could the dissenters be loaded with the unequal and oppressive tax, of paying salaries to churches from which they would derive no service, receive no instruction? They are exposed to that calamity under the narrow interpretation of which they have complained. The country I hope will never be disgraced by that oppression. With what willingness did not the House come to their help, with what tardy willingness have they *elsewhere* acceded to their prayers! In 1825 the Bill passed by the House in favour of the Wesleyan Methodists, was so modified in the Council that they complained that as to them, it was contrary to freedom of conscience and to their civil rights. The Bill passed last year in their favour by the House, was again modified in the Council in a manner displeasing to them, but to which they declared they would rather submit, than remain a much longer time under a disability, eminently hurtful to their religious and civil rights. As they were the parties most interested, the House in such an instance was to consult their wishes and abide by it, and so it did. I do not recall these circumstances to win their support; far from me such an artifice. The House did its duty to them, and they will do their duty to the community. If under the persuasion that the House has failed in its duty in many other respects, they will vote against those members, who though they had done them justice on one particular occasion, should on many occasions have failed to do it to the society at large.

I recall these circumstances *only to declare my unalterable creed that men are accountable for their faith and worship to their maker only, and not to the civil powers; that diversity of religious opi-*

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pions which creates no resistance to the laws, ought not to be submitted to the oppression of laws enacted merely to prohibit and punish it; that the same freedom in that respect, which I claim for myself, for my countrymen, for those who have the same belief with them, I allow to those whose belief is different; that persuasion, teaching, the practice of virtues, the weight of good examples are the legitimate means of free conversions, without any improper interference of punishment or exclusive temporal advantages offered by the laws; that the Governments which without distinction, impose equal charges on all the citizens, owe them all equal protection, and a common participation, in the advantages, as they have it in the burthens; in the public offices as they have it in the public contributions of the community.

A Bill better to regulate the *office of the Sheriff* must appear to every one the more necessary, after the recent and ruinous bankruptcy which we have witnessed. Such are much more scandalous when they happen with public accountants, who have monies only in deposit, than they could be with individuals who borrow stock on speculation and who may not have the talent to use it to advantage. In these instances the creditor may lay the blame on himself for having improperly placed his confidence; he suffers under an act of his free will. But the widow, the orphan, the head of a family falling from affluence to poverty, because the law has constrained them to put in the hands of a public functionary, a deposit which is squandered and vanishes, seems to have a right to complain that the social compact has been violated towards them; that instead of seeing the combined powers of men united in society, brought into action for their preservation, they were brought into action for their ruin and destruction. And such a monstrous evil, does it not require a remedy? The House has offered it—but, nevertheless, you have it not.

A Bill allowing the benefit of *cession of property* would have secured a debtor in his person, when free from fraud, without extinction of his debt, after he had made over whatever he owns; would redeem him from the cruel vengeance of an unmerciful creditor, from perpetual imprisonment even until death to which, without that benefit, he might be subject. Ought the law to allow such immense power, such abusive trust to one man over another? The House has offered a remedy—you have it not.

It is proper that a *magistracy* armed with such extensive powers for the protection of the subject as are those with which justices of the peace are invested, should be restrained, if by a perversion of the means of public safety entrusted to their hands, they might employ them to the persecution of any subject. A

qualification grounded on the possession of property which in cases of evil doings or gross misconduct, would secure an indemnity to the party aggrieved, is the remedy which the wisdom and experience of England have adopted. This remedy the house has copied—but you enjoy it not.

Judges independent in their course from any influence save the action of the laws and their conscience; secured in the discharge of the sacred functions of their august ministry and enabled impartially to sit in judgment between the King and the subject, the strong and the weak, the rich and the poor, the oppressor and his victim, without fear, without hope, without any other passion but the one of ministering equal justice to all, were the judges whom the House was anxious to see appointed over you. In favour of that class of public functionaries, it agreed to depart from the rule of annually voting their salaries, under the only condition that they would be freed from the many connexions and bonds which chain them to so many other offices, where they must fall under the sway of other passions, other studies, other views than these which exclusively ought to govern them: who accept judicial dignities. The unpleasant idea of seeing the Judges depend for their salaries, on the annual votes of the House, has been with many superficial observers the main circumstance which gave a plausible colouring to the exaggerated claims of our administration. But is not the idea much more alarming of seeing the Judges depend, not once a year, but every day of every year, on the pleasure of every Governor in turn? Does not that idea become appalling—if it is the free discussion of the Legislative Councillor, the virtuous resistance of the Executive Councillor, the independance of the Commissioner, which may bring with it the removal of the Judge? Is it a vain theory which may lead to the fear that an Executive might so trespass against them, as to require their ex parte opinions on subjects which might afterwards become the subject of trial and discussion before them—as to cause the Judges to complain that the opinions they had given in secret had been made public, learning at last, but too late, and teaching the people, that they ought to have given none; that they would do enough for the good of the society when they should pass sound judgments, without allowing themselves to be drawn in to give bad advice on matters of administration? As long as they thus willingly submit to the greater evil, they need not fear the lesser and more distant one, the controul over their salaries by the Representative body. This is no new question. Who is he so little conversant with the history of the former English colonies, now the United States of America, as not to remember how it was argued against the British Ministry by Doctor Franklin? He said on behalf of the Colonies what we repeat to day, "let us have judges who can-

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not become political partisans, let them not unite offices incompatible with their integrity; let them not be all at once judges, and legislators, and administrators; let there be no chance for them to earn more, by the trade of fawning courtiers, than by that of impregnable expounders and interpreters of the laws, and we shall make them independent of the annual votes of our Assemblies. But since you are willing that they should hold their commissions during pleasure, and not during good behaviour, do not find fault if against the danger of seeing them combining and leaguings with bad Governors to oppress us, we preserve the means of punishing, by not paying them." The soundness of these doctrines is at present admitted on all hands, but some continue to quarrel about more money, and exceptions in favour of our present judges, as if as soon as such a great evil is admitted to exist, it ought not to cease.

Is not an act to regulate the office of the Receiver General most necessary? We have been told that owing to the good character and large fortune of the gentleman at present doing the duty of that office no security had been required from him. That cannot be the reason. For to all public offices no other but men of good character ought to be chosen, which offers much greater security than the property real or imaginary which they might possess, and, nevertheless, law and wisdom require that all public accountants should give security proportionate to their responsibility. The true reason is, that in the deplorable situation of the country, no prudent head of a family ought to become security for the Receiver General; since the deposit entrusted to his hands has been daily violated; since the laws, the sentry posted at his doors, his vaults and his strong bars have all proved unavailing, against orders which have laid prostrate all those barriers. No security can any longer be required when for so many years there have been so many large sums, reserved for the disposition of the Legislature, *which have been withdrawn from their deposit in spite of the Legislature.* The taking away of those monies against law was a very great evil, the public immorality which it proved, is a much greater calamity. The House declared it held the Receiver General personally answerable for what he should pay without legal authority. Was it in this age and in a civilized country that such a self evident proposition could give offence? Yes, it was in 1826, in Lower Canada. It was asserted that it was usurpation for the Assembly to declare that every man must submit to the authority of law rather than to any other authority, and it is frightful to think that it was the Legislative Council, *including Judges and Executive Councillors in large numbers* who proclaimed a doctrine subversive of the authority of the laws, in order to raise above them one, or several men.

A Bill to empower the *purchasers of real property at Sheriffs' Sales* to keep in their hands the adjudication price, and giving security to pay it to the several creditors at any time the Courts should order, would be for their advantage as well as that of the debtor. Thus a larger number of bidders would ensure a higher price—instead of leaving in the Sheriffs' hands an unproductive capital to be decreased by their commission, it would carry interest for the good of all parties concerned, but the Sheriffs. Hitherto the cause which the Sheriffs have lost in the Assembly, they have won in the Council; and the public's cause gained in the House is lost in the Council.

Such is a very small proportion of the good prepared every year during the last Parliament and in former years by your Representatives. If these measures prove in them, correct notions of Legislation, vigilant care to promote your best interests, you will vote for those who have upheld, who will continue to uphold these measures. If you believe that those who have checked their progress understand better and consult more the public weal, you will vote for men of their choice and against those who, like me, are disposed, with redoubled energy following the same course, to promote your welfare; who are disposed to raise their voices in complaint more loud, and in accusations more free against the men and means employed to prevent its advancement; against all those refusals to which I have adverted; against so many other glaring abuses upon which I could not animadvert without detaining you during as much and more time, as you have already kindly given to me. I refrain; I thank you; I have ended; unless some unfair aggression against the House of Assembly or myself, requires an answer.

S P E E C H

OF LOUIS JOSEPH PAPINEAU, ESQUIRE,

*In reply to the Speech of Peter McGill, Esqr.
one of the candidates.*

WELCOME be the malevolent aspersions from that man whom you have just heard! They unmask him and unmask the party which pushes him forward and to which he is chained; a party moulded of the most ignoble prejudices and plunged into a voluntary inextricable ignorance of the measures most interesting to your country. Their outrageous revilings prove that those men have made their choice; that they mean to live as strangers amongst us; that they delight in fabricating calumnies against us,

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in order to have a pretext whereon to feed that hatred which they bear towards us. Such are their titles to your suffrages!

If there be one class in this community which more than another ought, with the utmost diligence, to study public transactions in order to save them from the most ludicrous blunders, in order that they may learn with exactness and repent with truth whatever has been said and done by all and each of the constituted authorities—it is that class which is composed of those among the Europeans, who separate themselves from us, who on all sides trumpet forth their pretended great knowledge and their pretended mighty capitals, which, they would have us believe, should render them all important in this our infant country, where they give themselves out as such great men; who are reproaching us incessantly with ignorance and indifference respecting questions of government and Legislation. How mortifying to them would it be, to find that they are far in the rear of those for whom they are exhausting themselves in such pathetic exhortations. As for me who have had views sufficiently close of those whom they call the best amongst themselves in this Province, I know that there are very many of my countrymen who may well walk by any of them without lowering their head.—The man whom you have just now heard, is one of their best samples; the united efforts of many fellow labourers have probably prepared his lesson, and yet you see that he apparently considers as true, since he promulgates as a discovery entirely new to him, and asserts with wonderful courage, follies, refuted years ago, and which you have a hundred times read and despised in anonymous writings. Those ephemeral productions usually wither and perish at the instant of their birth. In vain does Mr. McGill strive to bring them back to life and to prolong their painful existence by becoming their God-father, giving them, as it were, his own name; as if to launch them into the world under a new name was all that was requisite for advancing them to fortune and honours. But it often happens that this is only to change the livery and the colour, and that in spite of that traffic of the old name, no greater respectability is obtained under the new.

I have read but a few days since, under I do not recollect what newspaper signature, the very same personal attacks against me, in which the new candidate deals with so much complacency. I rejoice that I have now one to whom I can reply; I would have disdained answering one unknown. We at last have found out the father of this numerous illegitimate progeny, whose deformity and ugliness, had to this day prevented them from being openly embraced in the paternal arms. Those rickety cast-off bastards, hitherto a scandal and a charge on our community, must no longer remain under its care, since he is found, who at

he consents to acknowledge his offspring, the fruits of his incontinency. Let him support them at his own cost and shame. They are all his, or if he be too weak to have engendered them all; if it is above the strength of one man, so to multiply himself in so numerous a progeny; he must however have found in them all a likeness with which he is so taken, that it has induced him to become their adopted father; to associate them to the glory, the illustriousness of his name and family, by the legal means of adoption. One must spare the sensibility of a convalescent by not dragging to the light before him and portraying in their true colours and native hideousness all those dear objects of his love. It is enough to answer to his diatribes of this day, that he ought to blush and retract.

And first of all, gentlemen, that man who preaches to others consistency with so much fervour, gives you a most singular proof of his own inconsistency. He is one of those zealots, who preach so much of what is evil. At a recent period after the faults with which he upbraids me; a few days after that Session of Parliament in which in his eyes I became guilty of such great political inconsistencies, he came to the Poll and voted for me. Three years after that open approval of my public conduct he comes most virulently to censure it, for acts done prior to his approval. I really pity him, if he has during three years, felt the pangs of remorse, for having contributed to give you a Representative, deserving less than himself, that high distinction. But no, his repentance is of more recent date; his virtue becomes austere and splenetic on the day of Election, when he is personally interested and stands a candidate. At the last Poll he knew as well as at this day, those heavy misdeeds of his Representative unless he acknowledges himself for a man so frivolous, so inattentive, so much a stranger to public concerns, that he truly deserve; that you should judge him undeserving of ever being called to manage them.—Or again, unless, he tells you with a captivating artless innocence, that he then thought too lightly of my offences, that circumstances are no longer the same; that he then felt concern for your interests alone, while now he feels for his own vanity; and, as he has just now stated, with the characteristic elevation of his soul, that *charity begins at home*.

It must have been distressing for so well bred, polished a gentleman as Mr. McGill, no doubt, pretends to be—to find, when attacking an adversary who has sat twenty years in Parliament, that charges against him of public misconduct were so difficult to be devised, that he could not spare that imputation breathing hatred and low personality, which he lays to my charge. That grossly erroneous imputation represents me to be influenced in my vote respecting the Speaker's salary, First, by a feeling of envy towards Mr. Vallières, and next by dirty self interest. If

I have been guilty of such degrading conduct, I am the meanest of men. But if the imputation be without grounds, it is the indiscreet and inconsiderate man who has brought such an accusation and cannot make it good, that you will hold in contempt. Let us weigh the charge.

Mr. McGill learns, and learns no more, from the journals of the House of Assembly, that in 1824 I was in common with the majority, active in obtaining a reduction of twenty five per cent on Mr. Vallières salary. It would be less shameful for Mr McGill not to be able to read at all, than to be able to read and to read with such singular partiality. In the middle of many printed pages which it was necessary for him to read and consider well, that he might become acquainted with a subject on which he meant to speak in public, he has had the cleverness, for his intended attack on me, to tumble, and lay his finger on the only five lines, which he thinks make for him, because he does not understand them; and he never troubles himself in the least, with what precede and what follows those lines. Is there any good faith, delicacy, justice, or even prudence in such superficial reading? Well; he has done still worse than that, he has not opened the book. It is most likely that he has confined his studies to the hasty perusal of tales published in some mercenary gazettes, and then comes gravely to narrate to you, as the discovery of his deep researches, and the conviction forced on his mind by close attention, the unguarded falsifications or willful calumnies of newspapers. Is it likely that Mr. McGill would have come forward with such foul aspersions, would have given them to you as true, without having consulted with some friends; not at all, by their advice, with their consent, and acknowledgement has he uttered them. And yet he moves in the circles of those who pronounce themselves to be the first, the best society; who seem to have the amplest means support newspapers with a view to make known respecting public men and public measures the whole truth; and who, nevertheless, labour under such palpable misapprehensions as he has this day retailed and delivered to you. This very accusation has been refuted years ago, but we suffer the disgust of living in a state of society wherein those men who wish to domineer over us, are so ungenerous that in regard to the people of this province, they are unwilling to hear the pro and con; that in regard to its House of Assembly they never glance at a paper written in its defense; but on the contrary are for ever willing to pay and encourage those who are incessantly engaged in heaping slander on its proceedings. The editors in their pay, are thus under necessity of perpetual dealing in calumnies; to minister to the depraved taste of their protectors. What is really the fact? That in 1824 the recent bankruptcy of the Receiver General; the depressed state of trade

which raised apprehensions of a diminution in the revenue, the necessity for the first time to open a public loan, induced the Assembly to adopt the resolution to reduce, by twenty-five per cent, all salaries higher than two hundred a year. That rule was uniform and the same for all officers. In such circumstances what malicious feeling can have induced Mr. McGill, to see in my vote any thing personal, any thing envious towards Mr. Vallières? That Gentleman of the brightest talents and most transcendent abilities will shine, in whatever theatre he may be employed in or out of the Province. Canadians, with any elevation of mind, will never be jealous of one another. The outlandish administration of Lower Canada may neglect the talents which our country produces when it does not persecute them. That injustice we have already seen. I do not share in the guilt. The reduction voted in 1824 reached the emoluments of the Governor, of the Judges, of other public functionaries. If those of the Speaker of the House, had not, at the same time, been reduced in the same proportion, with what confidence, how triumphantly now Mr. McGill and his friends, and all the hypocphant sufferers of the administration come forward with a charge the very opposite to that which they now bring? "What shocking partiality, would they say, did you, along with the other Representatives, evince when you attempted to reduce the salaries of all others and spared that of the Speaker?" And I tell, you, Gentlemen, beware of those who thus in the same breath may blow warm or may blow cold at the call of their passions.

But then, says Mr. McGill, in 1825, Mr. Papineau having been elected Speaker it was no longer proposed to reduce the salaries of that office. Where has he gained this piece of information? In the Newspapers or in the Journals? What! has Mr. McGill opened another volume of the Journals and not become in his second reading, more clear sighted than he has been in his first? What! amid many printed pages detailing the votes of the Assembly on all the expenditure of the civil government, he once more tumbled on, and laid his finger on the only five lines relating to the Speaker's salary, without seeing what preceded and what followed? A line above and a line under, and he would have learnt that no salaries were proposed to be reduced in that year. But he will not trifle with his time, and learn such things, though he will talk about them. In this, besides proving his deep ignorance of what has taken place in the House, he moreover proves his ignorance of what public justice and honesty require, when he imagines that I may have voted, or ought to have debated in 1825 on the vote to grant salaries to the Speaker, while I was honoured with the office. He is then deaf to a voice which cries or ought to cry to him, that if ever he should chance to sit

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is the House and that there should come a question in which he would have a personal pecuniary interest, decency ought to engage him to retire from the debate, during that discussion. If he knew not how to do so of his own accord, he would soon be taught that he should do it. With much greater reason will the man whom the House honours with its confidence, thus show his respect for it and for himself. Never at any time, never either privately or publicly have I, as Representative, spoken a word, or moved a step through the desire to please or the fear to offend, with a view to my own personal advantage. If in 1825, there were any debates on the vote for the salary of the Speaker, I was bound to be mute if in the chair, I was bound to withdraw if in a committee. If any one, friend or foe, can prove that I ever uttered a word to any man in my own favour as to the salary to be granted to me as Speaker, let him ascend the hustings and overwhelm me with disgrace, and I must then go down for ever dishonoured. If no one can say so, let him who is at tempting to deceive you has insulted you, make his apology to you. As to the salary of the Speaker as well as of all others, the House is to be governed by general considerations, independent of any feelings of ill or good will to the occupants. It must give more, or less, or nothing, according as the public good may require. I will only add, that I shall not fall into the absurdity into which the administration blindly runs, and Mr. McGill blindly after it, contending as they do that the Constitution, which on their own admission allows the Assembly annually to fix the amount of the salaries of the Speaker and a few more functionaries of the Civil Government, would be violated, if it exercised the same right as to those of the Governor and some other officers of the Civil Government.

The second great offence which it seems, has made me unworthy of the continuance of the favour with which good Mr. McGill was so kind as to contribute to honour me in 1824, is my vote in 1823 on the Canada Act. The Parliament of Great Britain, says Mr. McGill, has violated our Constitution. Yet it is the duty of the Colonial Administration to enforce enactments which the Ministers have adopted at its suggestions. No doubt in order that you may be reinstated in your rights—you require against the administration, undaunted champions, such as he is likely to shew himself in company with the colleague with whom he associates! It is very easy matter for Gentlemen so independent as these are, to oppose, without fear of the consequences, an Act of the Imperial Parliament, by a few well arranged phrases that shall be followed by nothing else, provided they redeem themselves from the fearful hazards to be apprehended from that excessive temerity, by excessive praises in honor of a Governor, within reach of hearing them. A warm day of Election will

frequently blow up a host of such brave defenders of the people's rights, who see the skies all sunny, beautiful and serene, save one small speck at the most distant point of the horizon and who a few hours after, see it transformed into thick black clouds overshadowing the bright face of the heavens, loaded with fiery elements of devastation, lowering on a devoted country in thunder and ruin, and sweeping away its inhabitants to certain destruction.* Such are the appalling evils which await you, says the terrified, and terrifying Mr. McGill, in consequence of the inconsiderate resistance of your Representatives, to the will of your Governor, backed by Colonial Officers who share with him in your Revenue, under the sanction of a minister, who has no more right to give, than they to receive it, independently of the Provincial Legislature. Yet it is the very same man who represents to you our resistance to the meaner power, as pregnant with so many evils, as a most inconsiderate temerity—who rises in array to fight it, when in alliance with the greater power. He has spoken to you only of his debilitated body; he might, with reference to this subject, have spoken of some other debility.

He accuses me of having submitted to an act of the Imperial Parliament, which that same Executive must carry into execution, that at this crisis must be supported, say those who with his own consent, bring forward Mr. McGill! here then was an instance in which I have acted in that way which must have been satisfactory to the administration, and for this solitary misconduct are you to punish me so unmercifully as Mr. McGill wishes? Yes, you should doubtless do so, if even in one solitary instance I should act in a manner the least injurious to your interests, with the motive of pleasing the administration. The alleged vote so much censured is true, and it is not the only one which might be adduced to prove that I have never exercised a blind, passionate, perpetual, systematic opposition to the views of the administration. Would to God, it was often in the right! with pleasure would I support it. But in the alleged instance I thought it right to bear for a while with an evil which I could not prevent.

The Canada trade act infringes on our rights, unjustly modifies our Constitutional act without our consent, yet I refused to join with others in importuning Parliament with complaints against it, at a time when I strongly felt and knew, that they would be unproductive of any good; though I declared, as I still declare, that I shall be ready to remonstrate at any time when I may foresee any chance or even faint hope of redress. To meet the necessities of war we had increased the taxes, aiding, with all our power and all our zeal, to repel the enemy; on the return of peace we deemed those taxes unnecessary for the public

—* This alludes to a bombastic passage in Mr. McGill's speech.

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wants of the Province and hurtful to its trade, and we discon-
 tinued them. They have been revived by the Parliament of
 Great Britain wherein we are not represented, and which had
 solemnly pledged itself not to tax the Colonies. We are un-
 gratefully maltreated, and so long as that enactment subsists we
 have a rightful cause of complaint. To that effect did I speak
 to his Majesty's Minister and to some of those distinguished mem-
 bers of the House of Commons who had protested against his
 unfair Union Bill, still commended by Mr. McGill and by which
 Lower Canada was thrown under subjection to Upper Canada,
 in a far more degrading degree than it is by the Canada trade
 act. In thus remonstrating with them I have done much more
 towards its repeal than Mr. McGill does by his futile talk, pre-
 pared for show on a day like this, and as a nostrum to cure you
 of the injury inflicted by that act, for which I grieve more than
 he does. But when I had learnt from the mouths of Ministers
 and Members that, as to that measure, they were not disposed to
 retrace their steps; that they did not consider they had broken
 their plighted faith not to tax the Colonies, but had prevented
 the return of difficulties between the two Provinces; that such
 a power must be vested in the supreme authority of the Empire;
 and that it was reserved, when, for their mutual advantage, they
 had divided in two portions, one territory, which continued, af-
 ter a useful political separation, to have multiplied ties and con-
 nections established by nature, had it not been a miserable mad-
 ness in me, to rush headlong against an adamant rock. I see
 in futurity interests more powerful than the eloquence of Mr.
 McGill—which is not demosthenic or magical—that shall act in
 concert to call for the repeal of that law? I wait for the day when
 their voices united to ours, shall rise in efficacious prayers.

After all, under what circumstances was it, that those taxes
 were revived? in the hope that they would be continued, Up-
 per Canada had assumed the engagement to secure pensions to
 her wounded Militia men, and to the families of those who fight-
 ing for the common safety, had fallen in battle. These pensions
 she could no longer pay when that expected source of revenue
 was dried up. If there was one debt more sacred than another,
 it was the price of blood spilt for the Country. Upper Canada
 complained that she was disabled to keep her sacred promise.—
 She desired that the Legislature of this province should be in-
 formed that she carried her cause before the Imperial Parliament.
 Our administration, whose praises Mr. McGill chaunts, was of-
 ficially informed of this during the sitting of our Parliament and
 yet our administration gave our Parliament no intimation there-
 of. Appearances of being in the wrong, without any fault of
 ours, were against us. Upper Canada with all the appearances
 of being in the right, and with an agent sent to England, im-

proved and upheld her claims, by all the plausible *experts* considerations she could adduce before Parliament, sitting as judge and deeming itself competent on this question. Upper Canada carried her point and obtained a final determination; which is illegal, which is most dangerous, because the same power may carry its pretensions a step further, but which is not unfair in itself, as to the mode of regulating the distribution of a common revenue, by the sentence of disinterested arbitrators. The other enactments lessen our facilities to lay new taxes. If injurious they are much more so to Upper Canada, who called for the act, than they are to us. Those who have desired them will be the first to complain of the evils they have brought upon themselves so soon as they shall cease to be the dupes of their administrators. Upper Canada might readily raise her revenue on all the goods she consumes, at their entrance into her territory. Contiguous to the United States, on a line much more extensive than her Lower Canada frontier, she raises a revenue on her importations from our neighbours. She might raise it with greater ease, and with our aid, on her importations from this Province. There could no longer be causes of difficulty between the two sister Colonies under that arrangement. She cannot fail soon to understand that it is for her interest to be rather just, than greedy; not to endure an arrangement under which she may lose or win two or three thousand pounds, at the risk of not encreasing her revenue to the amount of ten or twelve thousand pounds when she might want it; at the risk of being daily more and more misgoverned, when she can offer no advantage to her administration.

The administrations of the two Provinces will be more early than the people in asking for new taxes. At no distant day when they shall be, or shall imagine that they are in want, instead of opposing our remonstrances against that act, as they would inevitably do at present, they will seek reconciliation with the Representative bodies, seek for peace as they now seek for war, for dissensions by which they profit; and the united wishes of the people and of the constituted authorities of the two Provinces, will be made known to Parliament with the certainty of success.

There have been circumstances in which resistance to that authority has been the duty of other Colonies; I hope it will never become ours. It does not appear to me to be either urgent or prudent, on account of the Canada Trade Act; it would be useless so long as remonstrances shall come from only one of the interested parties. It would be the wasting by your Representatives, in untimely remonstrances, of those exertions which they ought to apply to the redress of other grievances. I deplore the existence of the evil; I do not blame those who were ready to complain of it; and yet I do not repent of having

said that, for a time, we ought to bear it in silence. I had said so before the last Election, yet you re-elected me. Mr. McGill supported me, he says, in that Election; having become a candidate himself, he is become much more sharp sighted as to my misdeeds. Let him shift as often he pleases; let him talk about what he does not understand; the unfounded assertions with which he ventured to attack his adversary are confuted, and will not change your mind. I respectfully solicit your suffrages and I confidently expect your support.

SPEECH

OF THE

EARL OF DALHOUSIE,

*On proroguing the Provincial Parliament of
Lower Canada, 7th March 1827.*

*Gentlemen of the Legislative Council, and
Gentlemen of the Assembly.*

I come to close this Session of the Provincial Parliament, convinced, by the state of your proceedings, that nothing likely to promote the public interest can be now expected from your deliberations.

To you, Gentlemen of the Legislative Council, who have attended your duties in this Session, I offer my thanks on the part of His Majesty, as an acknowledgement of the regard which, by your presence, you have shewn to the welfare of your Country, and also of that proper respect which you have manifested for the Sovereign from whom your honors are derived.

Gentlemen of the Assembly,

It is painful to me, that I cannot speak my sentiments to you in terms of approbation and thanks. The proceedings of this Session impose upon me a duty, of which, however unpleasant, I will acquit myself as a faithful Servant of the King, and a sincere friend of the Province.

Many years of continued discussion on forms and accounts have proved unavailing to clear up and set at rest a dispute, which moderation and reason might have speedily terminated. It is lamentable to see, that no efforts or concessions of His Majesty's Government have succeeded in reconciling those differences of opinion in the Legislature; but it is infinitely more so, that differences on one subject should cause a rejection of every other measure which His Majesty's Government recommends to your consideration.

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The duties expected of you in this Session were not difficult ; among the first was an examination of the Public Accounts of last year, and a report upon them, whether of approval or otherwise : has that duty been done so that the country can know the result ?

Have you considered the Estimated Expenditure for the current year, and granted the supply required in His Majesty's name ? or have reasons been assigned for the refusal of them, that can be known and understood by the country ?

Have the Messages from his Majesty's Representative been duly acknowledged, and answered according to the rules and forms of Parliament, or according with the respect which is due by each branch of the Legislature to the others ?

Have the Rules or Orders of proceedings in the House of Assembly been duly attended to, in so far as they affect and recognize the Prerogative Rights of the Crown ?

These are questions, Gentlemen, which you are now to ask yourselves individually, and answer to your constituents on your return to them.

These are questions which you are to answer to your own consciences, as men who are bound by Oaths of fidelity to your Country and to your King

In my administration of this Government, I have seen seven years pass away without any conclusive adjustment of the public accounts ; thus accumulating a mass for future investigation, which must lead to confusion and misunderstanding. In the same years I have seen the measures of Government directly applicable to the wants of the Province, thrown aside without attention and without any reason being assigned. I have seen the forms of Parliament utterly disregarded and in this Session a positive assumption of Executive authority, instead of that of Legislative, which last is alone your share in the constitution of the State.

The results of your proceedings in this Session have been, the refusal of the Supplies necessary for the ordinary expenses of Government, the loss of the Militia Bill, the failure of all provisions for the maintenance of Prisoners in your Gaols & Houses of Correction, for the support of Insane and Foundlings, and for the establishments of Education and Charity, and a total obstruction of local and public improvement.

In this state of things, and with this experience of past years, it is now no longer consistent with a proper discharge of the high trust committed to me, to entertain hopes of a return to better reason in the representative branch of this Parliament ; but it is still my duty to call upon you as public men, and to call upon the country, as deeply interested in the result, to consider seriously the consequences of perseverance in such a course.

I shall conduct this Government with the means in my power, and with an undiminished desire to do good; but while I must submit myself to the interruption of all public improvement, under the authority of the Civil Government, I will declare my deep regret at such a state of things: I think it right to convey to the Country, a free and unreserved expression of my sentiments upon these public misfortunes, and I will leave no doubt on the public mind of my determination to persevere firmly in the path of my duty, with a faithful regard to the Rights of my Sovereign, with which are also combined the best interests of the Province.

It only remains for me now, compelled by existing circumstances, to Prorogue this Parliament, whatever maybe the inconvenience resulting from such a measure.

TO OUR CONSTITUENTS.

WE the Undersigned, Members of the House of Assembly, residing in the City and District of Montreal, having taken into consideration the Speech pronounced by His Excellency the Governor in Chief on proroguing the Provincial Parliament, in which His Excellency refers us to our Constituents, conceive it our duty to evince in a public and solemn manner, both the respect which we bear to our Electors, and the noble pride which we feel for having, in difficult times, discharged our duties towards them with fidelity and in a manner worthy of those who had chosen us for their Delegates. Representatives of subjects obedient, honest and devoted to the British Government, our line of conduct seemed perfectly traced out for us: Representatives of free born English subjects, our duties were clear and evident; and we appeal with confidence to our Constituents; It belongs to them to judge of our conduct.

In other times & under other circumstances, we should not consider it necessary to enter into any discussion, well assured as we are of not having done any thing which could lose us the esteem and the confidence of our Constituents, the recompence of our labours; but accused in a body, in a grave manner, by a public document, which at the same time that it accuses all of us, takes from us the power of answering as a body, we consider it to be our duty, not to exculpate ourselves (for this we are sensible is not requisite) but to put it in the power of our Constituents to judge with greater certainty of the accusations urged against their Representatives.

His Excellency declares to the whole Province that the difficulties existing on a single point have occasioned the rejection of

all other measures which His Majesty's Government has submitted to our consideration.

The House of Assembly sat about thirty days, during which seventy nine Bills were introduced, sixty of which were passed. It is not possible that among so many Bills, there should not have been one relating to some measure recommended by Government; unless we suppose that the House and the Council were occupied with a multitude of measures of public or private utility, none of which the Government thought proper to support by its recommendation. Might it not be said with more accuracy that it is painful to see that, upon the refusal of the House to vote for supplies in the form required, His Excellency should have considered himself obliged to exercise the Royal Prerogative, and to prorogue the Parliament, without giving it time to discuss the measures recommended by His Excellency, or which interested the whole Province though not recommended by His Excellency, and the delay or loss of which His Excellency has with so much sensibility lamented?

His Excellency reproaches us for not having given a suitable attention to the public Accounts of the last year, for not having approved, or disapproved them by such a report as would enable the public to judge of the result.

We have given to those Accounts a suitable attention. We have been delayed in our investigation by multiplied difficulties which different public functionaries made to answer the questions of the special Committee without the permission of His Excellency. The special Committee having proposed some questions to Messrs. Perceval and Gore, the principal Officers of the Customs, received as the only answer, that these Gentlemen had submitted the questions of the Committee to His Excellency the Governor in Chief. The Committee, by that alone, was prevented from reporting on that part. But, in spite of all these obstacles, it did report: the report is printed, and every person can have cognizance of it.

His Excellency asks us if we have considered the estimates for the present year and granted the supplies required in His Majesty's name, and if our refusal has been accompanied by reasons that can be known and understood by the Country?

His Excellency seems to desire very much that the public and our Constituents should be informed of what has taken place in Parliament; This desire we share with frankness and honesty. We examined these documents; we were immediately convinced that they were in direct opposition to the principles which the House has followed ever since 1818; that they were opposed to the essential rights of our Constituents; that free men worthy of enjoying the benefits and advantages of a Constitution modelled on that of England could not accede to them without sacrificing

their dearest rights: The Representatives of such men were in duty bound to refuse such demands; they have done so; and, in order that the public might be enabled to know their reasons, they have declared that they would persist in the resolutions and addresses made and passed by the House on this subject, as they are recorded in their Journals. Electors! it is for you to judge if the reiterated demand of an unjust thing can constitute a right to obtain it.

His Excellency asks if we have given a proper attention to the Messages of His Majesty's Representative; if we have received them, if we have answered them, according to the rules and forms of Parliament, or according to the respect which each branch of the Legislature is bound to observe towards the others.

His Excellency admits that there ought to exist a mutual respect among the different branches of the Legislature: The Speech of His Excellency, whilst it admits the principle, does not in our opinion, seem a very convincing instance of its application.

These questions are too general; it appears to us that it would have been of more avail to direct our attention or rather that of the public to such or such a particular Message, in order to give us the opportunity for explaining ourselves. Far from neglecting such Messages in general we have even proceeded on Messages of former Sessions, and if we have not taken them into consideration, it must not be forgotten that His Excellency is the sole Judge respecting the duration of Parliament, and that to him alone it belongs to terminate its Session when such is his pleasure. His Excellency found it proper to prorogue the Parliament after a Session of some weeks, at a time when there was still before it a great deal of business and when the House of Assembly still counted near forty members present.

But if this reproach refer to our not having voted an address of thanks to His Excellency for each of those Messages, we avow the fact: but it is the usage of the House not to lessen the merit of those Addresses by multiplying them without necessity; they are reserved for important occasions which require the expression of public thanks. If the House have not more frequently voted such Addresses, it is, unfortunately, because an opportunity for doing so has not been afforded; it is not exactly its fault.

His Excellency tells us: These are the questions which you are to answer to your own consciences, as men who are bound by oaths of fidelity to their Country and to their King.

As for the oath of fidelity to the King; there is not a person in this Province, be his situation what it may, who would dare to say of any Member of that Assembly, that he failed in it. The people of this Province, the Electors, know too well what loyalty is, they have given too many convincing proofs of it, to permit

any one to suppose that they would choose for Representatives men doubtful on this point.

As to the oath of fidelity to the Country—who has ever heard any man speaking of an oath of fidelity to his native Country?

Home! Home! that single word is enough.

His Excellency tell us: that we have refused the necessary supplies: that the Militia Bill has not been passed, that no provision has been made for the maintenance of prisoners, of the insane, of foundlings, for education, for establishments of charity, and that public and local improvements have been obstructed.

Electors! It is a disagreeable duty on us to assure you that there are here as many errors as accusations. If the supplies have not been granted it is because they have been required in such a manner that your Representatives could not grant them without violating your interests and their duty. But they have offered to pass a Bill similar to that of 1826 and similar to the Act of 1825, which was sanctioned and carried into execution. This they are still disposed to do.

The Militia Bills had been continued for two years. The House had inserted in the Bill of this year a Clause which annulled the Act of the 57th, in as much as it provided for the pay of the Militia Staff. It had received, on the 7th of February, a Message from His Excellency concerning that subject, as well as the contingent expenses of the Militia, and the appropriation of a certain sum to furnish arms to the Militia in certain cases. The House wished to make that Message the object of a separate measure for which it only wanted time. But the Council was pleased to amend the bill which continued the militia acts, and to strike out the Clause which annulled the Act of the 57th which seemed to have the effect of reestablishing the pay of the Militia Staff. This amendment was inadmissible. We were disposed to take efficacious measures to supply the loss of that Bill; but we were prevented by the precipitate prorogation of Parliament.

The House passed a Bill for the insane and foundlings as usual. Contrary to all parliamentary usage, the Council amended that Bill. Unable, according to rule, directly to consider the amendments made by the Council to a Bill of supply, and unwilling nevertheless, that the unhappy objects of public Commiseration should, on this account, suffer, the House passed a second Bill incorporating the amendments of the Legislative Council, and send it back there on Tuesday the sixth March. There it has since remained. We might be disposed to think that time alone was wanted to the Council for passing that second Bill; but the House sent the day after three other Bills to the Council at eleven o'clock in the forenoon; these Bills were examined and passed before three o'clock in the afternoon, and were sanctioned or reserved by His Excellency on the same day.

As for what relates to Education and to charitable establishments, we appeal with confidence to the proceedings of the House of Assembly.

It has voted about £15,000 for Education; if the Bills that were to carry into execution these votes have not been passed, if they have remained without effect in the Legislative Council, if it was not possible to perfect them in the Assembly, is it the fault of that House? It has done all that was in its power, and it would be supremely unjust to render it responsible for the acts of the other branches of the Legislature.

Let those in fault bear the burthen between them, they will diminish the weight by dividing it. As for charitable establishments the House has not neglected them either. It provided with liberality for foundlings, for the insane, for the sick and the infirm in the different Districts, for the support of the Hospital for Emigrants at Quebec, for the General Hospital at Montreal, &c. and, we cannot too often repeat it, the House is not to blame if these votes have not been carried into execution.

We have been reproached for not having settled the public Accounts during *seven years*. If recourse be had to the Journals of the House, it will be found that these accounts have been settled as far as depended on us in 1823, and in as complete a manner as we then had it in our power to do.

Electors! Of our conduct we have considered it a duty to give you this exposition which, at the same time, is a refutation of His Excellency's Speech. We have not sought the occasion, it has been offered to us: nay, we have been compelled to this step, by the attempt to destroy us in the opinion of the public and in that of our Constituents. That public opinion is in itself a power to which the greatest functionaries are amenable in all cases, even when the Laws, in their ordinary course, cannot reach them. Those who appeal to it against us are not above its reach; in the present case, we respect it without fearing it.

L. J. PAPINEAU.
HUGUES HENRY,
J. LESLIE.
JOSEPH VALOIS,
JOSEPH PERRAULT,
AUSTIN CUVILLIER,
J. M. RAYMOND,
F. A. QUESNEL.

LS. BOURDAGES,
ROCH DE ST. OURS,
JACQUES DELIGNY,
PIERRE AMIOT.
JEAN DESSAULES,
T. O. TURGEON.
J. B. R. H. DE ROUVILLE.

From Neilson's Québec Gazette of March 1827.

THE LATE SESSION OF THE PROVINCIAL PARLIAMENT.

A Statement of the Bills introduced and passed at the late Session of the Provincial Parliament will be found in this day's

Gazette. It appears, by the recapitulation thereto annexed, that in 37 sitting days, seventy one bills were introduced in the Assembly, which were either passed or mostly in a state of forwardness at the prorogation, and that eight were received from the Legislative Council, making seventy-nine in all. There were besides 87 special committees appointed; 23 of which had not yet reported, and several resolutions in committees of the whole, upon most of which bills would have been introduced. Among the latter, a bill for applying the vote of £10,000 for the encouragement of education throughout the Province; the aids recommended for opening roads to facilitate new settlements; £30,000 for Schools under Royal Institution, &c.

So far the session had been one of uncommon labour and promise, on the part of a Body composed of only 50 members, 45 of which however in the course of the session attended to their duty, without pay, at a heavy loss of their time and disbursements.

A multiplicity of legislative enactments is frequently a great evil. The presumption however is, that of the 71 bills introduced in the Assembly, by far the greater part of them, were generally desired by the inhabitants of the country whom the Assembly represent, and whose wants and wishes are likely to be well known to the members. Of the measures still before the Committees, and on which the House had come to no decision, the same cannot be said, with equal certainty.

The most striking feature in the proceedings of the Session, is the comparatively small number of bills (eight) sent down to the Assembly by the Legislative Council, about fifteen members only of which out of twenty attended, and the great number of thirty bills sent up to the Council by the Assembly which failed in that Body; many of them being money bills not returned, or rejected by the unparliamentary course of amendments. Among the former were the bills granting aids to the Catholic District School, the British and Canadian School and National School, Quebec, and the British and Canadian and National School, Montreal, for the improvement of the River Chambly, for the New Gaol at Montreal, the Emigrant Hospital, Quebec, and the Montreal General Hospital. Among the latter was the bill providing for the sick, the infirm, insane and foundlings in the three districts. The bill was sent down to the Assembly amended, by the Council, and consequently, according to parliamentary usage, rejected. The Assembly, however, adopted the amendments in a new bill; and the bill, as previously passed by the Council, is reported to have been lost on an equal division in Committee of the whole, several Executive Councillors and some Executive Officers voting against it.

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